

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:06-00173

FREDDY BADGER

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On February 14, 2019, the United States of America appeared by Christopher R. Arthur, Assistant United States Attorney, and the defendant, Freddy Badger, appeared in person and by his counsel, L. Thompson Price, for a hearing on the petition seeking revocation of supervised release submitted by United States Probation Officer Patrick M. Fidler. The defendant commenced a three-year term of supervised release in this action on February 9, 2018, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on November 21, 2016.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant committed the local offense of trespassing inasmuch as on August 17, 2018, he and another individual were located by law enforcement officers on the porch of an address in Charleston, West Virginia, which address had visible no trespassing signs; (2) the defendant used and possessed marijuana and cocaine as evidenced by a positive urine specimen submitted by him on April 4, 2018, the defendant having admitted that he used marijuana on April 1, 2018, and acknowledged that, although he did not recall using cocaine, it may have been mixed in the marijuana; (3) the defendant failed to report to the probation officer as instructed during the months of July, August and September 2018, and on August 20, 2018; and (4) the defendant failed to notify the probation officer of his change in residence inasmuch as on July 17, 2018, the probation officer attempted a home visit at the defendant's last reported address, there was no answer at the door, the door appeared to have been kicked in, the window next to the door was boarded up, and there was a "No Trespassing" sign on the door; and on August 21, 2018, the probation officer attempted another

home visit at which time a neighbor told the probation officer that no one was living there, rendering the defendant's whereabouts unknown to the probation officer; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

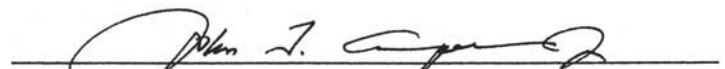
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of THREE (3) MONTHS, to be followed by a term of one (1) year of supervised release upon the standard conditions of supervised release now in effect in this district as promulgated by the

Administrative Office of the United States Courts (National Form AO 245B), the standard conditions as set forth in Local Rule 32.3 and the special condition that he spend the first six months at Dismas Charities where he shall follow the rules and regulations of the facility, participate in drug abuse counseling and treatment, and engage himself in lawful, gainful employment.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: February 28, 2019


John T. Copenhaver, Jr.
Senior United States District Judge